

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

PEARSON EDUCATION, INC.,

*Plaintiff,*

v.

CHEGG, INC.,

*Defendant.*

Civil Action No. 21-cv-  
16866 (MEF) (ESK)

OPINION and ORDER

United States Magistrate Judge Edward S. Kiel appointed a Special Master to assist with "an unusually large number of discovery disputes" that had "proven to be inordinately time-consuming." ECF 111, at 1-2. Judge Kiel appointed the Honorable Jose L. Linares. See id.

As to the matter relevant here, Special Master Linares received briefing, conducted oral argument, and entered an Opinion and Order denying the Plaintiff's discovery request. See ECF 127.

The Plaintiff appealed. See ECF 134.

The appeal is denied. The Opinion and Order is affirmed.

The Opinion is thoughtful, careful, and comprehensive. It is well-reasoned.

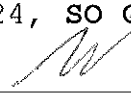
The Opinion and Order is reviewed under Federal Rule of Civil Procedure 53(f)(5) for abuse of discretion. There is none here.

The most substantial argument raised by the Plaintiff rests on Andy Warhol Found. for the Visual Arts, Inc. v. Goldsmith, 598 U.S. 508, 545 (2023). But the Plaintiff misinterprets that case, largely for the reasons stated by the Defendant. See ECF 140 at 8-12.

The Plaintiff argues that, if the Opinion and Order is affirmed, the Defendant should be precluded from making certain arguments.

See ECF 134 at 15-16. That contention does not appear to have been taken up with Judge Kiel or with the Special Master. In the first instance, it must be. See Net2Phone, Inc. v. Ebay, Inc., 2008 WL 8183817, at \*4 (D.N.J. June 26, 2008).

It is on this 18th day of March, 2024, **SO ORDERED.**



---

Michael E. Farbiarz, U.S.D.J.